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October 26, 2022

VIA ECF

The Hon. Paul G. Gardephe
United States District Court
Southern District of New York
40 Foley Square, Room 705
New York, NY 10007

RE: Wilson & Wilson Holdings LLC v. DTH, LLC
Case No. 1:22-cv-2941-PGG
Plaintiff's Amended Unopposed Request for Leave to File Second Amended Complaint

Dear Judge Gardephe:

This firm represents Plaintiff in the above-referenced matter. As the Court is aware, a pretrial conference was held in this matter on September 15, 2022, pursuant to which the Court gave Plaintiff an opportunity to file an amended complaint. Plaintiff filed its First Amended Complaint on September 22, 2022. (ECF 34).

Plaintiff is submitting this unopposed letter to request a remote pre-motion conference because Plaintiff intends to file a motion for leave to amend the First Amended Complaint to correct a technical oversight by Plaintiff's counsel. Specifically, Plaintiff wishes to amend its First Amended Complaint to incorporate all of the allegations of the complaint (paragraphs 1-126) into each of the Counts of the First Amended Complaint. Additionally, Plaintiff wishes to specifically name all three defendants, DTH, LLC, Ryan Hickman, and Tomer Dicturel in Counts I through III. All substantive allegations of the First Amended Complaint will otherwise remain unchanged in substance.

On October 6, 2022, DTH submitted a letter advising the Court that it no longer intends to file a motion to dismiss the First Amended Complaint. (ECF 42). In that letter, DTH requested an extension of time to file an answer to the First Amended Complaint until December 2, 2022 and

October 26, 2022

Page 2

an abeyance of discovery until the “issues relating to the addition of new parties and claims to this action are resolved.” *Id.*, p. 2. Should the Court grant Plaintiff’s request, DTH will have additional time to file an answer to the Second Amended Complaint, which will remain unchanged as to DTH.

Finally, Plaintiff does not agree with a stay of discovery on the basis of the inclusion of additional parties and claims. As the Court is aware, it is not uncommon for parties to be added to an action even after the commencement of discovery. It is Plaintiff’s position that discovery can proceed without delay and would in fact allow the parties to continue engaging in meaningful settlement discussions given that both parties will have more information available to them.

We have conferred with counsel for Defendants DTH, LLC and Tomer Dicturel and have been advised that they do not object to the request so long as their time to respond to the Second Amended Complaint is extended by 30 days. As a result, if the Court grants this request to amend, both DTH’s and Mr. Dicturel’s time to respond would be extended until the later of January 2, 2023 or 30 days after the Court grants the motion to amend. Plaintiff consents to this extension. Accordingly, the parties also stipulate to and request that the Court extend the deadlines in the Case Management Plan and Scheduling Order (ECF 44) by 30 days.

Therefore, Plaintiff respectfully requests that: (i) the Court grant Plaintiff’s unopposed request for a remote pre-motion conference to file a motion for leave to amend its First Amended Complaint; (ii) extend DTH, LLC’s and Tomer Dicturel’s deadlines to respond to the Second Amended Complaint until the later of January 2, 2023 or 30 days after the Court grants Plaintiff’s motion to amend; and (iii) extend the deadlines in the Case Management Plan and Scheduling Order (ECF 44) by 30 days. In light of this Amended Letter, Plaintiff withdraws its *Letter Motion for Leave to File Second Amended Complaint* at ECF 45.

Thank you for your time and consideration in this matter.

Sincerely,

QUARLES & BRADY LLP



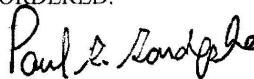
Gabriela N. Timis

cc: Steven Fitzgerald, Esq. sfitzgerald@wmd-law.com
MEMO ENDORSED:

Plaintiff is granted leave to file a Second Amended Complaint by **November 4, 2022**. Defendants are directed to respond to the Second Amended Complaint by **January 2, 2023**. **The deadlines in the Case Management Plan and Scheduling Order (Dkt. No. 44) are extended by 30 days.** The conference currently scheduled for Thursday, January 26, 2023 is adjourned to **Thursday, March 2, 2023 at 10:45 a.m.** The Clerk of Court is directed to terminate the motions at Dkt. Nos. 45 and 46.

Dated: October 28, 2022

SO ORDERED.



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Paul G. Gardephe
United States District Judge